

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10319

United States of America

v.

Noel Hernandez

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 10/27/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on December 7, 2005.

Sarah A. Thornton, Clerk of Court

By: *Jeanette Ramos*
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 12/8/05.

DB

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, INTERP, MAG

United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10319-WGY-ALL

Case title: USA v. Mercedes et al
Magistrate judge case number: 1:04-mj-00858-MBB

Date Filed: 10/14/2004

Assigned to: Chief Judge William G.
Young

Defendant

Caesar Mercedes (1)
TERMINATED: 10/13/2005

represented by **Michael C. Andrews**
Law Offices of Michael C. Andrews
21 Custom House St.
Suite 920
Boston, MA 02110
617-951-0072
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:963 Conspiracy to Import Heroin
(1)

Disposition

The defendant is committed to the custody of the BOP for 20 months to be followed by a term of Supervised Release of 3 years with Special Conditions. No Fine. Special Assessment of \$200.

21:952(a) Illegal Importation of Heroin;
18:2 Aiding and Abetting
(2)

The defendant is committed to the custody of the BOP for 20 months to be followed by a term of Supervised Release of 3 years with Special Conditions. No Fine. Special Assessment of \$200.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21:963=CLF

Disposition

The defendant is committed to the custody of the BOP for 20 months to be followed by a term of Supervised Release of 3 years with Special Conditions. No Fine. Special Assessment of \$200.

Assigned to: Chief Judge William G. Young

Defendant

Francisco Navarro (2)

TERMINATED: 10/13/2005

represented by **Catherine K. Byrne**
Federal Defender's Office
District of Massachusetts
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

21:963 Conspiracy to Import Heroin
(1)

21:952(a) Illegal Importation of Heroin;
18:2 Aiding and Abetting
(3)

Disposition

The defendant is committed to the custody of the BOP for 24 months to be followed by a term of Supervised Release of 3 years. No Fine. Special Assessment of \$200.

The defendant is committed to the custody of the BOP for 24 months to be followed by a term of Supervised Release of 3 years. No Fine. Special Assessment of \$200.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

21:963=CLF

Disposition

The defendant is committed to the custody of the BOP for 24 months to be followed by a term of Supervised Release of 3 years. No Fine. Special Assessment of \$200.

Assigned to: Chief Judge William G. Young

Defendant

Noel Hernandez (3)

TERMINATED: 10/20/2005

represented by **Peter C. Horstmann**

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:963 Conspiracy to Import Heroin
(1)

Disposition

The defendant is sentenced to 132 months on each count the sentence to run concurrent one count with the other to be followed by a term of Supervised Release of 4 years with special conditions. No Fine. Special Assessment of \$300.

21:952(a) Illegal Importation of Heroin;
18:2 Aiding and Abetting
(2-3)

The defendant is sentenced to 132 months on each count the sentence to run concurrent one count with the other to be followed by a term of Supervised Release of 4 years with special conditions. No Fine. Special Assessment of \$300.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Disposition

21:963=CLF

The defendant is sentenced to 132 months on each count the sentence to run concurrent one count with the other to be followed by a term of Supervised Release of 4 years with special conditions. No Fine. Special Assessment of \$300.

Plaintiff

USA

represented by **David G. Tobin**
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TERMINATED: 12/09/2004
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/14/2004	①	COMPLAINT as to Caesar Mercedes (1), Francisco Navarro (2), Noel Hernandez (3). (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/19/2004)
07/14/2004	②	AFFIDAVIT of Christopher Diorio by USA as to Caesar Mercedes, Francisco Navarro, Noel Hernandez <u>1</u> Complaint (Saccoccio, Dianalynn) [1:04-mj-00858-MBB] (Entered: 07/19/2004)
07/14/2004	③	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Initial Appearance as to Caesar Mercedes, Francisco Navarro, Noel Hernandez held on 7/14/2004; Robert Peabody for the govt.; Michael Andrews, Peter Horstmann and Cat[1:04]herine Byrne for the defts.; Deborah Huacuja,Spanish Interpreter; Defts. advised of charges, rights and right to counsel; Defts. complete financial affidavit and court orders appointment of counsel; Govt. moves for detention and continuance; Detentio[1:04n and preliminary examination are set for Monday, July 19, 2004 at 2:30 PM. (Tape #Digital.) (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/19/2004)
07/14/2004	⑨	Judge Marianne B. Bowler : ORDER entered CJA 20 as to Caesar Mercedes : Appointment of Attorney Michael C. Andrews for Caesar Mercedes. (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/26/2004)
07/14/2004	⑩	CJA 23 Financial Affidavit by Francisco Navarro (Saccoccio, Dianalynn) [1:04-mj-00858-MBB] (Entered: 07/19/2004)
07/14/2004	⑪	Judge Marianne B. Bowler : ORDER entered ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Francisco Navarro Catherine K.

		Byrne for Francisco Navarro appointed. (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/19/2004)
07/14/2004	④	CJA 23 Financial Affidavit by Noel Hernandez (Saccoccio, Dianalynn) [1:04-mj-00858-MBB] (Entered: 07/19/2004)
07/14/2004	⑩	Judge Marianne B. Bowler : ORDER entered CJA 20 as to Noel Hernandez : Appointment of Attorney Peter C. Horstmann for Noel Hernandez. (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/26/2004)
07/19/2004	●	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Preliminary Examination as to Noel Hernandez and Caesar Mercedes held on 7/19/2004; Robert Peabody for the govt.; Michael Andrews and Peter Horstmann for the defts.;[1:04 Parties go forward with the preliminary examination and ask that the matter of detention take place at a later date; Govt. addresses the court as to deft. Navarro; Govt. calls Sp. Agent Christopher Diorio to the stand to testify; Govt. offers 1 exhi[1:04bit; Witness is cross examined by counsel for the defts.; Govt. moves for the court to find probable cause; Counsel for the defts. argue for a finding of no probable cause; Court does find probable cause; Defts. remanded to the custody of the U.S. Ma[1:04rshals Service. (Tape #Digital.) (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/19/2004)
07/19/2004	⑪	EXHIBIT/WITNESS LIST by USA as to Noel Hernandez, Caesar Mercedes (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/19/2004)
07/21/2004	●	Assented to MOTION to Continue <i>Detention Hearing Date</i> to 7/23/04 as to Francisco Navarro. (Byrne, Catherine)[1:04-mj-00858-MBB] (Entered: 07/21/2004)
07/22/2004	●	as to Francisco Navarro : Deleted document from Docket Entry # 7, Motion to Continue Detention Hearing; Counsel for the deft. filed the incorrect document and will re-file a corrected version. (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/22/2004)
07/23/2004	⑦	Assented to MOTION to Continue <i>detention hearing date</i> to 7/23/04 as to Francisco Navarro. (Byrne, Catherine)[1:04-mj-00858-MBB] (Entered: 07/23/2004)
07/23/2004	●	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Detention Hearing as to Francisco Navarro held on 7/23/2004, Preliminary Examination as to Francisco Navarro held on 7/23/2004; Gregory Moffatt for Robert Peabody fo[1:04r the govt.; Catherine Byrne for the deft.; Joshua Ulrich for Pretrial Services; Deborah Huacuja, Spanish interpreter; Counsel for the deft. waives probable cause and consents to voluntary detention at this time; The court will enter an order of volu[1:04ntary detention without prejudice forthwith; Deft. remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 07/23/2004)

07/23/2004	⑧	Judge Marianne B. Bowler : ORDER entered ORDER OF VOLUNTARY DETENTION WITHOUT PREJUDICE as to Francisco Navarro (Bowler, Marianne)[1:04-mj-00858-MBB] (Entered: 07/23/2004)
07/26/2004	⑨	Judge Marianne B. Bowler : electronic ORDER entered granting 7 Motion to Continue as to Francisco Navarro (2) (Bowler, Marianne) [1:04-mj-00858-MBB] (Entered: 07/26/2004)
08/04/2004	⑩	Set/Reset Hearings as to Noel Hernandez, Caesar Mercedes : Detention Hearing set for 8/9/2004 11:00 AM in courtroom # 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 08/04/2004)
08/09/2004	⑪	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Continued Detention Hearing as to Noel Hernandez, Caesar Mercedes held on 8/9/2004; Robert Peabody for the govt.; Michael Andrews and Peter Horstmann for the defts.;[1:04 Joshua Ulrich for Pretrial Services and Deborah Huacuja, Spanish Interpreter; Defense counsel for both defts. requests a continuance and consents to voluntary detention pending a date in September; Court sets a continued detention hearing for Septem[1:04ber 2, 2004 at 11:00 AM; Defts. remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn) [1:04-mj-00858-MBB] (Entered: 08/09/2004)
08/09/2004	⑫	Judge Marianne B. Bowler : ORDER entered ORDER OF VOLUNTARY DETENTION WITHOUT PREJUDICE as to Noel Hernandez, Caesar Mercedes (Bowler, Marianne)[1:04-mj-00858-MBB] (Entered: 08/09/2004)
09/01/2004	⑬	Set/Reset Hearings as to Noel Hernandez, Caesar Mercedes : Continued Detention Hearing reset for 9/8/2004 11:00 AM before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 09/01/2004)
09/07/2004	⑭	MOTION for Investigative Funds as to Noel Hernandez. (Horstmann, Peter)[1:04-mj-00858-MBB] (Entered: 09/07/2004)
09/08/2004	⑮	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Continued Detention Hearing as to Noel Hernandez, Caesar Mercedes held on 9/8/2004; Robert Peabody for the govt.; Michael Andrews and Peter Horstmann for the defts.; [1:04Joshua Ulrich for Pretrial Services; Atty. Andrews asks for voluntary detention without prejudice at this time for deft. Mercedes; The court will enter the order forthwith; Atty. Horstmann argues the matter of detentionand for release of the deft.; C[1:04ourt addresses Pretrial Services and the govt. concerning release; Govt. moves for detention pending trial; Court addresses Atty. Horstmann; Counsel will assent to voluntary detention without prejudice for deft. Hernandez; Defts. are remanded to the [1:04custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 09/08/2004)
09/08/2004	⑯	EX PARTE SEALED MOTION as to Noel Hernandez . (Rynne,

		Michelle)[1:04-mj-00858-MBB] (Entered: 09/08/2004)
09/08/2004	16	Memorandum regarding release pending trial as to Noel Hernandez. (Rynne, Michelle)[1:04-mj-00858-MBB] (Entered: 09/08/2004)
09/09/2004	17	Judge Marianne B. Bowler : ORDER entered ORDER OF VOLUNTARY DETENTION WITHOUT PREJUDICE as to Caesar Mercedes (Bowler, Marianne)[1:04-mj-00858-MBB] (Entered: 09/09/2004)
09/09/2004	18	Judge Marianne B. Bowler : electronic ORDER entered granting 13 Motion for Investigative Funds as to Noel Hernandez to the extent permitted by statute. (3) (Bowler, Marianne)[1:04-mj-00858-MBB] (Entered: 09/09/2004)
09/24/2004	18	MOTION to Vacate <i>Temporary Detention Order</i> as to Noel Hernandez. (Horstmann, Peter)[1:04-mj-00858-MBB] (Entered: 09/24/2004)
09/30/2004	19	Judge Marianne B. Bowler: Electronic ORDER entered re: 18 Motion to Vacate as to Noel Hernandez(3). The motion is denied without prejudice pending a further hearing on Ocotber 7, 2004 at 2:45 p.m. (Bowler, Marianne)[1:04-mj-00858-MBB] (Entered: 09/30/2004)
10/06/2004	20	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler: Hearing as to Noel Hernandez held on 10/6/2004; Robert Peabody for the govt.; Peter Horstmann for the deft.; Debra Huacuja, Spanish interpreter; Joshua Ulrich for Pr[1:04etrial Services; Court hears profer from defense counsel for release with two alternatives; Defense counsel calls Ada Iris Mateo to testify; Govt. and the court questions witness; Court confers with Pretrial and asks that the potential third party cu[1:04stodians be brought in to testify and the court will consider releasing the deft. after their testimony; Deft. remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 10/06/2004)
10/07/2004	20	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler:Hearing for conditions of release as to Noel Hernandez held on 10/7/2004; Nancy Rue for the govt.; Peter Horstmann for the deft.; Joshua Ulrich for Pretrial Services;[1:04 Gabriel Hadad, Spanish interpreter; Counsel for the deft. offers third party custodian to the court for questioning; Eduardo Silva, third party custodian, is questioned; Court sets conditions of release to include electronic monitoring and a curfew.[1:04 (Tape #Digital.) (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 10/07/2004)
10/07/2004	19	Unsecured Bond Entered as to Noel Hernandez in the amount of \$25,000.00. (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 10/12/2004)
10/07/2004	20	Magistrate Judge Marianne B. Bowler: ORDER entered: ORDER Setting Conditions of Release (Saccoccio, Dianalynn)[1:04-mj-00858-MBB] (Entered: 10/12/2004)

10/14/2004	21	INDICTMENT as to Caesar Mercedes (1) count(s) 1, 2, Francisco Navarro (2) count(s) 1, 3, Noel Hernandez (3) count(s) 1, 2-3. (Gawlik, Cathy) (Entered: 10/14/2004)
10/14/2004	22	Judge William G. Young : ORDER entered ORDER REFERRING CASE to Magistrate Judge Marianne B. Bowler Reason for referral: Arraignment and bail ONLY as to Caesar Mercedes, Francisco Navarro, Noel Hernandez (Gawlik, Cathy) (Entered: 10/14/2004)
10/19/2004	23	NOTICE OF HEARING for Caesar Mercedes, Francisco Navarro and Noel Hernandez: Arraignment set for 10/26/2004 at 10:45 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 10/19/2004)
10/20/2004	24	MOTION to Continue <i>Arraignment</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 10/20/2004)
10/21/2004		Judge Marianne B. Bowler: Electronic ORDER entered granting 24 Motion to Continue as to Noel Hernandez(3). (Bowler, Marianne) (Entered: 10/21/2004)
10/21/2004		Set/Reset Hearings for Noel Hernandez: Arraignment set for 10/27/2004 at 10:45 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 10/21/2004)
10/26/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Marianne B. Bowler:Arraignment for Caesar Mercedes (1) Counts 1 and 2 and Francisco Navarro (2) Counts 1 and 3 held on 10/26/2004; Robert Peabody for the govt.; Michael Andrews and Katherine Byrne for the defts.; Deborah Huacuja, Spanish interpreter; Defts. waive the reading of the indictment in its entirety and plead not guilty to all counts; The govt. anticipates five witnesses and the trial to last three to four days; Initial status conference set for 12/7/2004 at 10:45 AM; Defts. remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 10/26/2004)
10/27/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Marianne B. Bowler:Arraignment for Noel Hernandez (3) counts 1, 2 and 3 held on 10/27/2004; Robert Peabody for the govt.; Peter Horstmann for the deft.; John Riley for Pretrial and Deborah Huacuja, Spanish interpreter; Deft. waives reading of the indictment in its entirety and pleads not guilty to all counts; The govt. anticipates five to six witnesses and the trial to last two to four days; The case will be returned to D.J. Young for further scheduling. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 10/27/2004)
11/02/2004		ELECTRONIC ENDORSEMENT re: Ex Parte Motion for Leave to File Motion Under Seal (Doc. #14) as to Noel Hernandez. MOTION ALLOWED. cc/cl. (Bell, Marie) (Entered: 11/10/2004)
11/02/2004		ELECTRONIC ENDORSEMENT re: Ex Parte Motion for Funds for Polygraph Examination as to Noel Hernandez. MOTION DENIED WITHOUT PREJUDICE TO ITS RENEWAL SUPPORTED BY A

		BRIEF DEMONSTRATING HOW SUCH NON-EVIDENTARY MATERIAL WILL BENEFIT THE DEFENDANT. cc/cl. (Bell, Marie) (Entered: 11/10/2004)
11/03/2004	25	NOTICE OF HEARING as to Caesar Mercedes, Francisco Navarro, Noel Hernandez Scheduling Conference set for 12/8/2004 02:00 PM before Chief Judge William G. Young. AND/OR Change of Plea Hearing set for 12/8/2004 02:00 PM before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 11/03/2004)
12/03/2004	26	Emergency MOTION to Modify Conditions of Release as to Noel Hernandez. (Horstmann, Peter) (Entered: 12/03/2004)
12/07/2004		Judge Marianne B. Bowler: Electronic ORDER entered granting 26 Motion to Modify Conditions of Release as to Noel Hernandez(3). (Bowler, Marianne) (Entered: 12/07/2004)
12/09/2004		NOTICE OF RESCHEDULING as to Caesar Mercedes, Francisco Navarro Plea and Sentence set for 1/25/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 12/09/2004)
12/09/2004		Attorney update in case as to Caesar Mercedes, Francisco Navarro, Noel Hernandez. Attorney William F. Bloomer for USA; USA and USA added. Attorney Robert L. Peabody terminated. (Smith, Bonnie) (Entered: 12/09/2004)
12/09/2004		NOTICE OF RESCHEDULING as to Noel Hernandez Initial Scheduling Conference reset for MON. 12/13/2004 02:30 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 12/09/2004)
12/13/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young :Scheduling Conference as to Noel Hernandez held on 12/13/2004 (Court Reporter WOMACK.) (Smith, Bonnie) (Entered: 12/13/2004)
12/13/2004	27	Judge William G. Young : ORDER entered ORDER ON EXCLUDABLE DELAY as to Noel Hernandez Time excluded from 12/13/04 until 5/9/05., SCHEDULING ORDER as to Noel Hernandez Jury Trial set for 5/9/2005 09:00 AM in Courtroom 18 before Chief Judge William G. Young. Pretrial Conference set for 4/6/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 12/13/2004)
01/25/2005		Electronic Clerk's Notes for proceedings held before Judge William G. Young :Change of Plea Hearing as to Caesar Mercedes, Francisco Navarro held. Interpreter Zetterstrand Sworn. Defendants Sworn. Plea agreements filed. Court conducts plea colloquy with both defendants. After hearing the court accepts plea of guilty to counts 1,2 as to Caesar Mercedes and counts 1,3 as to Francisco Navarro. Plea entered by Caesar Mercedes (1) Guilty Count 1,2 and Francisco Navarro (2) Guilty Count 1,3. Sentencing set for 6/2/05 at 2PM. Defendants remanded to custody.

		(Court Reporter WOMACK.) (Smith, Bonnie) (Entered: 01/26/2005)
01/25/2005	②8	PLEA AGREEMENT as to Caesar Mercedes (Smith, Bonnie) (Entered: 01/26/2005)
01/25/2005	②9	PLEA AGREEMENT as to Francisco Navarro (Smith, Bonnie) (Entered: 01/26/2005)
01/25/2005	②30	Judge William G. Young : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Caesar Mercedes, Francisco Navarro Sentencing set for 6/2/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 01/26/2005)
01/27/2005	③1	MOTION to Strike <i>SURPLUSAGE AND INCORPORATED MEMORANDUM OF LAW</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 01/27/2005)
01/31/2005	③2	RESPONSE to Motion by USA as to Noel Hernandez re 31 MOTION to Strike <i>SURPLUSAGE AND INCORPORATED MEMORANDUM OF LAW</i> (Bloomer, William) (Entered: 01/31/2005)
02/01/2005	③	Judge William G. Young : Electronic ORDER entered denying 31 Motion to Strike as to Noel Hernandez (3). cc/cl. (Bell, Marie) (Entered: 02/01/2005)
02/01/2005	③3	MOTION for Discovery as to Noel Hernandez. (Horstmann, Peter) (Entered: 02/01/2005)
02/02/2005	③4	MOTION to Withdraw Document <i>DEFENDANT'S DISCOVERY MOTION WITHOUT PREJUDICE</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 02/02/2005)
02/03/2005	③5	TRANSCRIPT of Proceedings as to Caesar Mercedes, Francisco Navarro held on 1/25/05 before Judge YOUNG. Court Reporter: WOMACK. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Smith, Bonnie) (Entered: 02/03/2005)
02/04/2005	③	Judge William G. Young : Electronic ORDER entered granting 34 Motion to Withdraw Defendant's Discovery Motion as to Noel Hernandez (3). cc/cl. (Bell, Marie) (Entered: 02/04/2005)
02/04/2005	③	Motions Withdrawn as to Noel Hernandez: 33 MOTION for Discovery filed by Noel Hernandez,. (Bell, Marie) (Entered: 02/04/2005)
02/14/2005	③6	NOTICE re automatic disclosure as to Noel Hernandez <i>Discovery Response Pursuant to LR 116.3</i> (Bloomer, William) (Entered: 02/14/2005)
02/28/2005	③7	MOTION to Modify Conditions of Release as to Noel Hernandez. (Horstmann, Peter) (Entered: 02/28/2005)
03/01/2005	③8	MOTION for Discovery <i>Renewed</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 03/01/2005)

03/02/2005	39	MOTION for Leave to File <i>MOTION TO SUPPRESS IN-COURT AND OUT-OF-COURT IDENTIFICATIONS LATE</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 03/02/2005)
03/02/2005	40	MOTION for Discovery <i>MOTION TO SUPPRESS IN-COURT AND OUT-OF-COURT IDENTIFICATIONS AND INCORPORATED MEMORANDUM OF LAW</i> as to Noel Hernandez. (Attachments: # 1 Exhibit)(Horstmann, Peter) (Entered: 03/02/2005)
03/03/2005	39	Judge William G. Young : Electronic ORDER entered granting <u>39</u> Motion for Leave to File Motion to Suppress Late as to Noel Hernandez (3). cc/cl. (Bell, Marie) (Entered: 03/04/2005)
03/07/2005	39	NOTICE OF HEARING ON MOTION as to Noel Hernandez Motion Hearing set for 4/27/2005 02:30 PM in Courtroom 24 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 03/07/2005)
03/10/2005	37	MEMORANDUM in Opposition by USA as to Noel Hernandez re <u>37</u> MOTION to Modify Conditions of Release (Bloomer, William) (Entered: 03/10/2005)
03/11/2005	42	First MOTION for Extension of Time to 04/04/05 to File Response/Reply as to <u>40</u> MOTION for Discovery <i>MOTION TO SUPPRESS IN-COURT AND OUT-OF-COURT IDENTIFICATIONS AND INCORPORATED MEMORANDUM OF LAW</i> as to Noel Hernandez by USA. (Bloomer, William) (Entered: 03/11/2005)
03/11/2005	43	First RESPONSE to Motion by USA as to Noel Hernandez re <u>38</u> MOTION for Discovery <i>Renewed</i> (Bloomer, William) (Entered: 03/11/2005)
03/11/2005	39	Judge William G. Young : Electronic ORDER entered denying <u>37</u> Motion to Modify Conditions of Release as to Noel Hernandez (3). cc/cl. (Bell, Marie) (Entered: 03/15/2005)
03/15/2005	42	Judge William G. Young : Electronic ORDER entered granting <u>42</u> Motion for Extension of Time 4/4/05 to File Response/Reply to Motion for Discovery, Motion to Suppress as to Noel Hernandez (3). cc/cl. (Bell, Marie) (Entered: 03/16/2005)
03/15/2005	38	Judge William G. Young : Electronic ORDER entered re: <u>38</u> Motion for Discovery as to Noel Hernandez (3). ALLOWED TO THE EXTENT OF THE GOVERNMENT'S AGREEMENT, OTHERWISE DENIED. cc/cl. (Bell, Marie) (Entered: 03/16/2005)
03/24/2005	44	MOTION for Investigative Funds for <i>Transcript of Defendants' Rule 11 Hearings</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 03/24/2005)
03/24/2005	45	SEALED MOTION as to Francisco Navarro. (Smith3, Dianne) (Entered: 03/24/2005)
03/24/2005	46	Judge William G. Young : ORDER entered. as to Francisco Navarro re [45] SEALED MOTION filed by Francisco Navarro, (Smith3, Dianne)

		(Entered: 03/24/2005)
04/04/2005	• 47	Opposition by USA as to Noel Hernandez re <u>40</u> MOTION for Discovery <i>MOTION TO SUPPRESS IN-COURT AND OUT-OF-COURT IDENTIFICATIONS AND INCORPORATED MEMORANDUM OF LAW</i> (Attachments: # <u>1</u> Exhibit)(Bloomer, William) (Entered: 04/04/2005)
04/06/2005	• 48	First MOTION to Continue to June 2005 to motion hearing as to Caesar Mercedes, Francisco Navarro, Noel Hernandez by USA. (Bloomer, William) (Entered: 04/06/2005)
04/06/2005	•	Judge William G. Young : Electronic ORDER entered granting <u>48</u> Motion to Continue trial as to Noel Hernandez (3) and Exclude the time from 4/6/05 to 7/5/05 (Smith, Bonnie) (Entered: 04/07/2005)
04/06/2005	•	Electronic Clerk's Notes for proceedings held before Judge William G. Young : Final Pretrial Conference as to Noel Hernandez held on 4/6/2005. Parties request a continuance of the trial date. Court resets trial date to 7/5/05 and excludes the time. Pretrial Order to issue. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 04/07/2005)
04/06/2005	•	Reset Hearings as to Noel Hernandez: Evidentiary Hearing on the Motion to Suppress is RESET for 6/16/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 04/07/2005)
04/07/2005	• 49	Judge William G. Young : Electronic ORDER entered. PRETRIAL ORDER as to Noel Hernandez Jury Trial set for 7/5/2005 09:00 AM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 04/07/2005)
04/07/2005	•	Judge William G. Young : Electronic ORDER entered granting <u>44</u> Motion for Investigative Funds as to Noel Hernandez (3). cc/cl. (Bell, Marie) (Entered: 04/07/2005)
04/20/2005	• 50	MOTION to Continue to July 20, 2005 to Sentencing as to Caesar Mercedes, Francisco Navarro, Noel Hernandez by USA. (Bloomer, William) (Entered: 04/20/2005)
04/26/2005	•	Judge William G. Young : Electronic ORDER entered. as to Caesar Mercedes, Francisco Navarro re <u>50</u> MOTION to Continue to July 20, 2005 to Sentencing filed by USA, Sentencing set for 7/20/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 04/26/2005)
05/18/2005	•	Judge update in the case of Caesar Mercedes, Francisco Navarro and Noel Hernandez; Magistrate Judge Marianne B. Bowler no longer assigned to the case. (Saccoccio, Dianalynn) (Entered: 05/18/2005)
06/06/2005	• 51	TRANSCRIPT of Probable Cause Hearing as to Noel Hernandez held on September 8, 2004 before Judge Bowler. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508-384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/06/2005)

06/06/2005	52	TRANSCRIPT of Hearing as to Noel Hernandez held on August 9, 2004 before Judge Bowler. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508/384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/06/2005)
06/16/2005	53	NOTICE OF ATTORNEY APPEARANCE Nancy Rue appearing for USA. (Rue, Nancy) (Entered: 06/16/2005)
06/16/2005	54	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Motion Hearing as to Noel Hernandez held on 6/16/2005 re <u>40</u> MOTION for Discovery <i>MOTION TO SUPPRESS IN-COURT AND OUT-OF-COURT IDENTIFICATIONS AND INCORPORATED MEMORANDUM OF LAW</i> filed by Noel Hernandez, Defense evidence commences. Hearing continued. Evidentiary Hearing set for 6/24/2005 02:00 PM before Chief Judge William G. Young. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 06/17/2005)
06/20/2005	55	NOTICE OF ATTORNEY APPEARANCE David G. Tobin appearing for USA. (Tobin, David) (Entered: 06/20/2005)
06/22/2005	56	MOTION for Discovery <i>and to Continue Trial if Discovery Cannot be Obtained Prior to Trial</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 06/22/2005)
06/24/2005	57	TRANSCRIPT of Proceedings as to Noel Hernandez held on 6/16/05 before Judge YOUNG. Court Reporter: WOMACK. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Smith, Bonnie) (Entered: 06/24/2005)
06/24/2005	58	Supplemental MEMORANDUM in Support by Noel Hernandez re <u>40</u> MOTION for Discovery <i>MOTION TO SUPPRESS IN-COURT AND OUT-OF-COURT IDENTIFICATIONS AND INCORPORATED MEMORANDUM OF LAW</i> (Horstmann, Peter) (Entered: 06/24/2005)
06/24/2005	59	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Motion Hearing as to Noel Hernandez held on 6/24/2005 re <u>40</u> MOTION for Discovery <i>MOTION TO SUPPRESS IN-COURT AND OUT-OF-COURT IDENTIFICATIONS AND INCORPORATED MEMORANDUM OF LAW</i> filed by Noel Hernandez, After hearing the motion is Denied. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/05/2005)
06/24/2005	60	Motions terminated as to Noel Hernandez: <u>40</u> MOTION for Discovery <i>MOTION TO SUPPRESS IN-COURT AND OUT-OF-COURT IDENTIFICATIONS AND INCORPORATED MEMORANDUM OF LAW</i> filed by Noel Hernandez,. (Smith, Bonnie) (Entered: 07/05/2005)
06/27/2005	61	Emergency MOTION for Discovery as to Noel Hernandez. (Horstmann, Peter) (Entered: 06/27/2005)
06/28/2005	62	MOTION in Limine <i>to Exclude Evidence Concerning the Alleged</i>

		<i>Possession of an Illegal Substance and Incorporated Memorandum of Law as to Noel Hernandez. (Horstmann, Peter) (Entered: 06/28/2005)</i>
06/28/2005	60	EX PARTE MOTION for Authorization of Services or Funds as to Noel Hernandez. (Bell, Marie) (Entered: 06/29/2005)
06/29/2005	61	Proposed Jury Questions by Noel Hernandez to <i>Prospective Jurors on Voir Dire Examination</i> (Horstmann, Peter) (Entered: 06/29/2005)
06/29/2005	62	Emergency MOTION to Produce <i>Francisco Navarro's Psychiatric Records, to Continue Trial and Renewed Motion to Suppress In-Court and Out-of-Court Identifications and Incorporated Memorandum of Law</i> as to Noel Hernandez. (Attachments: # 1 Exhibit)(Horstmann, Peter) (Entered: 06/29/2005)
06/30/2005	63	EX PARTE MOTION for Funds For Translation Services as to Noel Hernandez. (Bell, Marie) (Entered: 06/30/2005)
07/05/2005	64	MOTION to Suppress <i>Out-of-Court Identification by Union Travel Employee</i> as to Noel Hernandez. (Attachments: # 1 Exhibit)(Horstmann, Peter) (Entered: 07/05/2005)
07/05/2005	65	Supplemental MEMORANDUM in Support by Noel Hernandez re 62 Emergency MOTION to Produce <i>Francisco Navarro's Psychiatric Records, to Continue Trial and Renewed Motion to Suppress In-Court and Out-of-Court Identifications and Incorporated Memorandum of Law</i> (Horstmann, Peter) (Entered: 07/05/2005)
07/06/2005	66	NOTICE of <i>Filing of Translation of Commitment Order for Francisco Navarro</i> by Noel Hernandez (Attachments: # 1 Translation of Commitment Order)(Horstmann, Peter) (Entered: 07/06/2005)
07/06/2005		Electronic Clerk's Notes for proceedings held before Judge William G. Young :Pretrial Conference as to Noel Hernandez held on 7/6/2005 After conferring with counsel the court continues the trial. Jury Trial set for 7/18/2005 09:00 AM in Courtroom 18 before Chief Judge William G. Young. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/06/2005)
07/06/2005	67	TRANSCRIPT of Proceedings as to Noel Hernandez held on 6/24/05 before Judge YOUNG. Court Reporter: WOMACK. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Smith, Bonnie) (Entered: 07/06/2005)
07/06/2005	68	EXHIBIT/WITNESS LIST for Suppression hearing of Noel Hernandez (Smith, Bonnie) (Entered: 07/06/2005)
07/06/2005		Judge William G. Young : Electronic ORDER entered denying as moot upon the representation that the government has made such disclosure58 Motion for Discovery as to Noel Hernandez (3); granting [63] Motion for Authorization of Services or Funds as to Noel Hernandez (3) (Smith, Bonnie) (Entered: 07/06/2005)

07/06/2005	●	NOTICE OF RESCHEDULING as to Francisco Navarro Sentencing reset for 9/21/2005 02:00 PM in Courtroom 22 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 07/06/2005)
07/07/2005	●	NOTICE OF RESCHEDULING as to Caesar Mercedes Sentencing RESet for 9/21/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 07/07/2005)
07/13/2005	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Hearing as to Noel Hernandez held on 7/13/2005 Counsel for the defendant is not present. Counsel for the govt, Carmen Ortiz is present. The Court enters an oral order re: production of records in this case that is recorded by the court reporter with instructions to distribute the transcript of the order to defense counsel Horstmann and government counsel Tobin and Rue. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/14/2005)
07/14/2005	● 69	Judge William G. Young : Electronic ORDER entered. as to Noel Hernandez (Smith, Bonnie) (Entered: 07/14/2005)
07/14/2005	● 70	EXHIBIT/WITNESS LIST by USA as to Noel Hernandez (Tobin, David) (Entered: 07/14/2005)
07/14/2005	● 71	EXHIBIT/WITNESS LIST by USA as to Noel Hernandez (Tobin, David) (Entered: 07/14/2005)
07/15/2005	● 72	TRANSCRIPT of Probable Cause Hearing as to Caesar Mercedes, Francisco Navarro, Noel Hernandez held on July 19, 2004 before Judge Bowler. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508-384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/15/2005)
07/15/2005	● 73	Emergency MOTION to Continue <i>TRIAL DATE</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 07/15/2005)
07/15/2005	● 74	Proposed Jury Instructions by Noel Hernandez (Horstmann, Peter) (Entered: 07/15/2005)
07/15/2005	● 75	EXHIBIT/WITNESS LIST by USA as to Noel Hernandez (Tobin, David) (Entered: 07/15/2005)
07/18/2005	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Voir Dire begun on 7/18/2005 Noel Hernandez (3) on Count 1,2-3 (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/18/2005)
07/18/2005	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Hearing re: trial schedule and availability of witness Navarro. D's Motion in limine re: cocaine-Allowed. D's renewed motion to suppress in court identification is Under Advisement. D's Motion to Suppress identification of union travel witness, denied as moot.Jury Trial Day One as to Noel Hernandez held on 7/18/2005 Interpreters Hadad and Huacuja SWORN. Court addresses the venire and conducts voir dire. Jury selected and Sworn. Court gives pretrial charge. Opening remarks by Government

		and Defendant. Government evidence commences. (Court Reporter Womack.) (Smith, Bonnie) . (Entered: 07/18/2005)
07/18/2005	76	MOTION Ex parte as to Noel Hernandezby USA. (Smith, Bonnie) (Entered: 07/19/2005)
07/18/2005	77	Judge William G. Young : Electronic ORDER entered granting [76] Motion for passport as to Noel Hernandez (3) (Smith, Bonnie) (Entered: 07/19/2005)
07/18/2005	78	Judge William G. Young : Electronic ORDER entered. as to Noel Hernandez Denying <u>73</u> Emergency MOTION to Continue <i>TRIAL DATE</i> filed by Noel Hernandez. cc/cl. (Bell, Marie) (Entered: 07/19/2005)
07/19/2005	79	Electronic Clerk's Notes for Day 2 as to Noel Hernandez held on 7/19/2005 Government's evidence continues. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/21/2005)
07/20/2005	80	Proposed Jury Instructions by Noel Hernandez (Horstmann, Peter) (Entered: 07/20/2005)
07/20/2005	81	MOTION in Limine to prevent the government from using evidence re: an alleged Western Union wire transfers to Noel Hernandez. (Smith, Bonnie) (Entered: 07/21/2005)
07/20/2005	82	Judge William G. Young : Electronic ORDER entered denying <u>78</u> Motion in Limine as to Noel Hernandez (3) (Smith, Bonnie) (Entered: 07/21/2005)
07/20/2005	83	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Jury Trial Day 3 as to Noel Hernandez held on 7/20/2005 Go (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/21/2005)
07/21/2005	84	Judge William G. Young : Electronic ORDER entered Denying <u>55</u> MOTION for Discovery <i>and to Continue Trial if Discovery Cannot be Obtained Prior to Trial</i> filed by Noel Hernandez. cc/cl. (Bell, Marie) (Entered: 07/21/2005)
07/21/2005	85	Judge William G. Young : Electronic ORDER entered Granting [60] Ex Parte MOTION for Authorization of Services or Funds filed by Noel Hernandez. cc/cl. (Bell, Marie) (Entered: 07/21/2005)
07/21/2005	86	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Jury Trial Day 4 as to Noel Hernandez held on 7/21/2005 Government evidence continues (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/21/2005)
07/22/2005	87	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Jury Trial Day 5 as to Noel Hernandez held on 7/22/2005 Government evidence continues. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/22/2005)
07/22/2005	88	*****SEALED DOCUMENT***** EX PARTE MOTION as to Noel Hernandezby USA. (Bell, Marie) (Entered: 07/22/2005)

07/22/2005	80	US Marshal Process Receipt and Return for Subpoena. served Delivered on 7/20/05 (Bell, Marie) (Entered: 07/22/2005)
07/22/2005	81	MOTION in Limine to <i>Preclude the Government from Introducing Additional Cell Phone Caller Location Records</i> as to Noel Hernandez. (Horstmann, Peter) (Entered: 07/22/2005)
07/24/2005	82	RESPONSE to Motion by USA as to Noel Hernandez re 81 MOTION in Limine to <i>Preclude the Government from Introducing Additional Cell Phone Caller Location Records</i> (Rue, Nancy) (Entered: 07/24/2005)
07/25/2005	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young : Court holds hearing under seal re:Govt's Motion filed Under Seal.Jury Trial Day 6 as to Noel Hernandez held on 7/25/2005 Government evidence continues. Charge conference held. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/25/2005)
07/25/2005	●	Judge William G. Young : Electronic ORDER entered denying 81 Motion in Limine as to Noel Hernandez (3). cc/cl. (Bell, Marie) (Entered: 07/26/2005)
07/26/2005	83	Memorandum regarding Jury Questions as to Noel Hernandez (Attachments: # 1 Exhibit 1 -- May 2004 Transcript# 2 Exhibit 2 -- Sept 2004 Transcript# 3 Supplement Proposed Jury Charge)(Rue, Nancy) (Entered: 07/26/2005)
07/26/2005	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Jury Trial Day 7 as to Noel Hernandez held on 7/26/2005 Government evidence continues. Government Rests.Defendant moves for Directed Verdict. Motion Denied. Defense evidence commences. Defense Rests. Closing arguments by Government, Defendant. Rebuttal argument by Government. Court charges jury as to the law. Jury commences deliberations. Jury question #2 asked and answered. Jury question #3,#4 asked. Court adjourns jury deliberations for the day with instructions. Court hears argument re: jury question. Briefs re: jury questions are to be filed by 9AM 7/27/05. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/27/2005)
07/27/2005	84	MOTION in Limine to Exclude Evidence Concerning the Alleged Possession of an Illegal Substance and Incorporated Memorandum of Law as to Noel Hernandez. (Bell, Marie) (Entered: 07/27/2005)
07/27/2005	85	Defendant's Request for Questions to Prospective Jurors on Voir Dire Examination. (Bell, Marie) (Entered: 07/27/2005)
07/27/2005	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young :(Interpreters Hadad and Huacuja are present) Hearing out of presence of the jury re: juror's absence and jury's questions. After consulting with counsel, the court excuses juror and replaces the juror with alternate juror #1. Court hears argument on the issue of the jury question. After hearing, the court calls for the 11 deliberating and 2 alternate jurors.Jury Trial Day 7 as to Noel Hernandez held on 7/27/2005. Alternate juror is seated. Court charges the jury as to the law on questios

		#3, and 4. Jury retires to continue their deliberations. Jury returns a verdict of Guilty on all counts. Sentencing set for 10/18/05 at 2PM. Procedural order re: Sentencing to issue. the defendant is remanded to custody. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/27/2005)
07/27/2005	86	EXHIBIT/WITNESS LIST by Noel Hernandez, USA as to Noel Hernandez (Smith, Bonnie) (Entered: 07/27/2005)
07/27/2005	87	JURY VERDICT as to Noel Hernandez (3) Guilty on Count 1,2-3. (Smith, Bonnie) (Entered: 07/27/2005)
07/27/2005	88	Judge William G. Young : Electronic ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Noel Hernandez Sentencing set for 10/18/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 07/27/2005)
07/28/2005		Notice of correction to docket made by Court staff. Correction: Document #83 corrected because: Filed Incorrectly as a Motion and without a signature as to Noel Hernandez (Bell, Marie) (Entered: 07/28/2005)
08/02/2005	89	MOTION for Acquittal <i>and/or for New Trial and Incorporated Memorandum of Law</i> as to Noel Hernandez. (Attachments: # <u>1</u> Exhibit Cover Sheet# <u>2</u> Exhibit # <u>3</u> Exhibit Cover Sheet# <u>4</u> Exhibit)(Horstmann, Peter) (Entered: 08/02/2005)
08/16/2005	90	Opposition by USA as to Noel Hernandez re <u>89</u> MOTION for Acquittal <i>and/or for New Trial and Incorporated Memorandum of Law</i> (Rue, Nancy) (Entered: 08/16/2005)
08/22/2005		NOTICE OF HEARING ON MOTION FOR JAQ/NEW TRIAL as to Noel Hernandez Motion Hearing set for 9/14/2005 02:00 PM before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 08/22/2005)
08/23/2005		NOTICE OF RESCHEDULING as to Caesar Mercedes Sentencing RESET for WED. 9/28/2005 02:00 PM before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 08/23/2005)
08/24/2005	91	TRANSCRIPT of Proceedings as to Noel Hernandez held on 7/26/05 before Judge Young. Court Reporter: Womack. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at womack@megatran.com or the Clerk's Office. (Smith, Bonnie) (Entered: 08/24/2005)
08/24/2005	92	TRANSCRIPT of Proceedings as to Noel Hernandez held on 7.27.05 before Judge Young. Court Reporter: Womack. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at womack@megatran.com or the Clerk's Office. (Smith, Bonnie) (Entered: 08/24/2005)
08/30/2005		NOTICE OF RESCHEDULING as to Francisco Navarro Sentencing REset for 10/6/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 08/30/2005)

09/15/2005	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Motion Hearing as to Noel Hernandez held on 9/15/2005 re 89 MOTION for Acquittal <i>and/or for New Trial and Incorporated Memorandum of Law</i> filed by Noel Hernandez,, AFTER HEARING THE MOTION IS DENIED (Court Reporter Womack.) (Smith, Bonnie) (Entered: 09/16/2005)
09/27/2005	● 93	SENTENCING MEMORANDUM by Caesar Mercedes (Andrews, Michael) (Entered: 09/27/2005)
09/28/2005	●	NOTICE OF RESCHEDULING as to Caesar Mercedes Sentencing reset for Thur. 10/6/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 09/28/2005)
09/30/2005	● 94	MOTION to Seal as to Francisco Navarro. (Bell, Marie) (Entered: 10/03/2005)
09/30/2005	● 95	***** SEALED DOCUMENT***** SENTENCING MEMORANDUM by Francisco Navarro (Bell, Marie) (Entered: 10/03/2005)
10/03/2005	● 96	MOTION for Downward Departure as to Noel Hernandez. (Horstmann, Peter) (Entered: 10/03/2005)
10/03/2005	●	Judge William G. Young : Electronic ORDER entered granting 94 Motion to Seal as to Francisco Navarro (2). cc/cl. (Bell, Marie) (Entered: 10/03/2005)
10/13/2005	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Sentencing held on 10/13/2005 for Caesar Mercedes (1), 1, 2, The Court Allows the Motion to Depart and hears from the government, defense counsel and the defendant. After hearing the court imposes the following sentence: The defendant is committed to the custody of the BOP for 20 months to be followed by a term of Supervised Release of 3 years with Special Conditions. No Fine. Special Assessment of \$200.; Francisco Navarro (2), 1, 3, The Court Allows the Motion to Depart. After hearing from the government, defense counsel and the defendant, the court imposes the following sentence: The defendant is committed to the custody of the BOP for 24 months to be followed by a term of Supervised Release of 3 years. No Fine. Special Assessment of \$200. Both defendants are advised of the right to appeal. Both defendants are remanded to custody. The Court recommends custody at FCI Devens for Francisco Navarro. The Court recommends that both defendants receive credit for time served from 7/3/04 to the present. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 10/13/2005)
10/13/2005	● 97	Judge William G. Young : ORDER entered. JUDGMENT as to Caesar Mercedes (1), The defendant is committed to the custody of the BOP for 20 months to be followed by a term of Supervised Release of 3 years with Special Conditions. No Fine. Special Assessment of \$200.; Count(s) 1, 2, The defendant is committed to the custody of the BOP for 20 months to be followed by a term of Supervised Release of 3 years with Special Conditions. No Fine. Special Assessment of \$200. (Smith, Bonnie) (Entered: 10/13/2005)

10/13/2005	98	Judge William G. Young : ORDER entered. STATEMENT OF REASONS as to Caesar Mercedes (Attachments: # 1 Transcript) (Smith, Bonnie) (Entered: 10/13/2005)
10/13/2005	99	Judge William G. Young : ORDER entered. JUDGMENT as to Francisco Navarro (2), The defendant is committed to the custody of the BOP for 24 months to be followed by a term of Supervised Release of 3 years. No Fine. Special Assessment of \$200.; Count(s) 1, 3, The defendant is committed to the custody of the BOP for 24 months to be followed by a term of Supervised Release of 3 years. No Fine. Special Assessment of \$200. (Smith, Bonnie) (Entered: 10/13/2005)
10/13/2005	100	Judge William G. Young : ORDER entered. STATEMENT OF REASONS as to Francisco Navarro (Attachments: # 1 Transcript) (Smith, Bonnie) (Entered: 10/13/2005)
10/14/2005	101	SENTENCING MEMORANDUM by Noel Hernandez (Horstmann, Peter) (Entered: 10/14/2005)
10/18/2005		ElectronicClerk's Notes for proceedings held before Judge William G. Young :Sentencing held on 10/18/2005 for Noel Hernandez (3), 1, 2-3, After hearing the court imposes the following sentence:The defendant is sentenced to 132 months on each count the sentence to run concurrent one count with the other to be followed by a term of Supervised Release of 4 years with special conditions. No Fine. Special Assessment of \$300.Defendant advised of right to appeal. Defendant remanded to custody. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 10/18/2005)
10/19/2005	102	Letter (non-motion) regarding Sentencing Hearing as to Noel Hernandez (Horstmann, Peter) (Entered: 10/19/2005)
10/20/2005	103	Judge William G. Young : ORDER entered. JUDGMENT as to Noel Hernandez (3), The defendant is sentenced to 132 months on each count the sentence to run concurrent one count with the other to be followed by a term of Supervised Release of 4 years with special conditions. No Fine. Special Assessment of \$300.; Count(s) 1, 2-3, The defendant is sentenced to 132 months on each count the sentence to run concurrent one count with the other to be followed by a term of Supervised Release of 4 years with special conditions. No Fine. Special Assessment of \$300. (Smith, Bonnie) (Entered: 10/20/2005)
10/20/2005	104	Judge William G. Young : ORDER entered. STATEMENT OF REASONS as to Noel Hernandez (Attachments: # 1 Transcript) (Smith, Bonnie) (Entered: 10/20/2005)
10/20/2005		Judge William G. Young : Electronic ORDER entered. as to Noel Hernandez re 102 Letter. RECOMMENDATION FOR INCARCERATION AT FORT DEVENS. cc/cl. (Bell, Marie) (Entered: 10/20/2005)
10/27/2005	105	NOTICE OF APPEAL by Noel Hernandez Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be

downloaded from the First Circuit Court of Appeals web site at <http://www.ca1.uscourts.gov/clerks/transcript.htm> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/16/2005. (Horstmann, Peter) (Entered: 10/27/2005)